

ORDINANCE NO. 27978

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 13.28 AND CHAPTER 13.32 OF TITLE 13 OF THE SAN JOSE MUNICIPAL CODE TO ADD NEW SECTIONS TO REQUIRE ANY PERSON WHO TRIMS, PRUNES, CUTS, OR REMOVES OR CAUSES THE SAME TO BE DONE TO A STREET TREE TO SHOW THE PERMIT FOR THIS ACTIVITY UPON REQUEST, AND TO REQUIRE ANY PERSON WHO REMOVES OR CAUSES TO BE REMOVED A TREE FROM A PRIVATE PARCEL TO SHOW THE PERMIT UPON REQUEST AND TO POST THE PERMIT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 13.28 of Title 13 of the San José Municipal Code is amended to add the following section, to be numbered, entitled and to read as follows:

**13.28.145 Presentation of Permit on Request**

- A. It shall be unlawful for any person to trim, prune, cut, or remove or cause the same to be done to a street tree unless the permit or a copy of the permit allowing for this activity is maintained on the site where the tree to be trimmed, pruned, cut, or removed is located.
- B. It shall be unlawful for any person to trim, prune, cut, or remove or cause the same to be done to a street tree unless the permit or a copy of the permit can immediately be presented upon request to the Director of Planning, Building, and Code Enforcement, Director of Transportation, Police Officers, and their designee.
- C. It shall be unlawful for any person to engage in any work on the street tree or allow any work on the tree that is the subject of the permit to occur unless and until: (1) the permit or a copy of the permit is located on the site where the

subject tree is located, and (2) the permit or a copy of the permit is readily available for presentation upon request as described in this Section.

**SECTION 2.** Chapter 13.32 of Title 13 of the San José Municipal Code is amended to add the following section, to be numbered, entitled and to read as follows:

**13.32.045 Presentation of Permit on Request**

- A. It shall be unlawful for any person to remove or cause to be removed a live tree or dead tree, as defined in Section 13.32.020, from any private parcel of land in the City unless the permit or a copy of the permit is maintained on the site where the tree to be removed is located.
- B. It shall be unlawful for any person to remove or cause to be removed a live tree or dead tree, as defined in Section 13.32.020, from any private parcel of land in the City unless the permit or a copy of the permit can immediately be presented upon request to the Director of Planning, Building, and Code Enforcement, Police Officers, and their designee.
- C. It shall be unlawful for any person to engage in any tree removal activity or allow any activity to remove the tree that is the subject of the permit to occur unless and until: (1) the permit or a copy of the permit is located on the site where the subject tree is located, and (2) the permit or a copy of the permit is readily available for presentation upon request as described in this Section.

SECTION 3. Chapter 13.32 of Title 13 of the San José Municipal Code is amended to add the following section, to be numbered, entitled and to read as follows:

**13.32.047 Posting of Permit**

A. It shall be unlawful for any person to remove or cause to be removed a live tree or dead tree, as defined in Section 13.32.020, from any private parcel of land in the City unless a copy of the permit is posted on the parcel on which the subject tree is located prior to commencement of and during any actions involving removal of the tree as follows:

1. The copy of the permit shall be a minimum size of 8.5 by 11.0 inches, posted at each public street frontage within 2 feet from the public right-of-way, and posted in such a manner that the permit is readable from the public right-of-way; or
2. If the parcel that is the subject of the permit does not have a public street frontage, a copy of the permit shall be posted at a location where the permit is readable from a common access driveway or roadway.

B. It shall be unlawful for any person to engage in any tree removal activity or allow any activity to remove the tree that is the subject of the permit to occur unless and until the permit is posted as described in this Section.

RD:RLT  
2/13/2007

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk